

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

September 10, 2024

VIA ECF AND FAX

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

This is denied as moot. The docket has been updated to reflect the correct deadlines. *See* ECF No. 13.

SO ORDERED.

9/17/24 /s/ Alvin K. Hellerstein

Re: *Freeman et al. v. Giuliani*, No. 24-cv-6563

Dear Judge Hellerstein:

Plaintiffs Ruby Freeman and Wandrea' Moss respectfully write to inform the Court that Defendant Rudolph W. Giuliani was served with the summons and complaint pursuant to N.Y. Civil Practice Law & Rules ("CPLR") § 308(2).¹ As stated in the Proof of Service filed September 6, 2024, service was effected by leaving a copy of the summons and complaint at the Defendant's residence with a person of suitable age and discretion, and then mailing copies of the documents to the same address. ECF No. 10. Pursuant to CPLR § 308(2), service then becomes effective ten days following filing of proof of such service on the docket, or September 16, 2024. Accordingly, Defendant's deadline to respond to the complaint is October 7, 2024. Fed. R. Civ. P. 12.

Counsel for Plaintiffs attempted to enter September 16, 2024 into the ECF system as the effective date of service when filing proof of service on the docket, but the ECF system would not accept a future date of service. Furthermore, because the ECF system automatically generates the deadline for a responsive pleading based upon the date entered as the date of service, the ECF docket text lists September 28, 2024 as the deadline to respond to the Complaint. Counsel for Plaintiffs consulted the Clerk's office and the ECF Help Desk and were advised to use the most appropriate date that the system would allow, and then seek correction of the docket text from the Court. Consequently, the dates that appear on the docket are September 6, 2024 (the latest date permitted as the date of service) and September 28, 2024 (the automatically generated response deadline).

Accordingly, Plaintiffs respectfully request that the Court note on the docket that Defendant's deadline to answer or otherwise respond to the Complaint is October 7, 2024.

Respectfully submitted,

s/ Aaron E. Nathan

¹ *See* Fed. R. Civ. P. 4(e) (authorizing service on an individual by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located").